DEBORAH L. RAYMOND
ATTORNEY AT LAW, BAR #173528
380 STEVENS AVENUE., SUITE 205
SOLANA BEACH, CA 92075
Telephone#: (858) 481-9559
Facsimile#: (858) 724-0747
Email: draymond@lawinfo.com

Attorney for Plaintiff, CODY NICHOLS

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CODY NICHOLS, an individual, Plaintiff, vs. DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee For Morgan Stanley Loan Trust 2006-HE4, an entity of unknown form; DECISION ONE MORTGAGE COMPANY, LLC, a North Carolina Limited Liability Company; and DOES 1-10, inclusive, Defendants.	CASE NO. 07CV2039L (NLS) **DECLARATION OF DEBORAH L. RAYMOND IN SUPPORT OF PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, DEBORAH L. RAYMOND hereby declare:

1. I am an attorney duly admitted to practice law as a member of the State Bar of California and I am admitted to practices in the Southern District of California and all courts of the State of California. I am a sole practitioner with offices located at 380 Stevens Avenue, Suite 205,

Solana Beach, California 92075. The following declaration is based upon my personal knowledge such that if called as a witness, I could competently testify thereto.

2. On October 12, 2007, I was retained by Cody Nichols ("Plaintiff") to represent him with regard to a refinance loan he received on or about February 24, 2006, which was secured by his primary residence (the "Transaction").

3. After reviewing documents that I had researched from the county records, I determined Deutsche Bank National Trust Company, as Trustee For Morgan Stanley Loan Trust 2006-HE4 ("Deutsche Bank") to be the current holder/owner of the Transaction. Through additional research, I determined that Decision One Mortgage Company, LLC ("Decision One") was the originating lender for Plaintiff's loan.

4. I also researched and found that a Notice of Trustee's Sale had been recorded with the San Diego County Recorder. A Copy of the Notice of Trustee's Sale is herein attached and incorporated by reference as Exhibit "DLR-A".

5. On October 16, 2007, I telephoned the number listed on the Notice of Trustee's Sale to find out if the sale date had been rescheduled. A recording informed me that a sale date had been rescheduled for November 2, 2007.

6. On October 16, 2007, I overnight Express mailed a Notice of Rescission to defendant Deutsche Bank and mailed via certified mail a Notice of Rescission to defendant Decision One. A copy of the Notice of Rescission mailed on October 16, 2007, along with a copy of proof of delivery to Deutsche Bank are attached to the Complaint filed in this Court on October 19, 2007.

7. I also sent via facsimile to American Servicing Company ("ASC"), the servicer on the loan, a copy of the Recession Notice along with a request to postpone or cancel the scheduled Trustee's sale. A copy of the Fax Cover Sheet and Fax Call Report confirming transmittal is herein

attached and incorporated by reference as Exhibit "DLR- B".

8. I have not heard from ASC regarding the rescission. On October 29, 2007, after numerous hours of research and telephone calls and faxes, I was put into contact with Bruce Cocklin at First American LoanStrar Trustee Services, who confirmed that he was the person that any stay or temporary restaining order should be sent to in order to postpone or cancel the trustee's sale. Mr. Cocklin also informed me that the Trustee's sale on the Property had been postpone from October 30, 2007 to November 26, 2007 due to the natural disaster in California. A copy of Mr. Cocklin's Fax Transmittal is herein attached and incorporated by reference as Exhibit "DLR-E".

9. I researched tax records for Plaintiff's residence and according to tax records, Plaintiff's home is 1980 square feet with three bedrooms and two bathrooms on 9.98 acres of land.

10. I researched Active Listing on the Multiple Listing Service with search terms of Single Family Residence, in the 91905 zip code with 9 to 11 acres. A copy of the results from my search of Actives is herein attached and incorporated by reference as Exhibit "DLR-C". I also researched Sold properties off the market from 10/27/2005 to present on the Multiple Listing Service with the same search terms as above. A copy of the results from my search of the Solds is herein attached and incorporated by reference as Exhibit "DLR-D".

11. I respectfully request that this Court issue an immediate TRO/Preliminary Injunction to prevent the imminent foreclosure sale of my clients' residence and give my client the opportunity to have their claims heard on the merits.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 1st day of November 2007, at Solana Beach, California.

/s/ Deborah L. Raymond
DEBORAH L. RAYMOND, ESQ.

n

RECORDING REQUESTED BY

Requested and Prepared by:
FIRST AMERICAN TITLE INSURANCE COMPANY

When Recorded Mail To:
FIRST AMERICAN LOANSTAR TRUSTEE SERVICES
P.O. BOX 961253
FORT WORTH, TX 76161 **877-276-1894**

TSG No.: M701966
TS No.: 20079134002603
FHA/VA/PMI No.:

1047

DOC # 2007-0390291

JUN 11, 2007 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 7.00
PAGES: 1

20070390291

Space above this line for Recorder's use only

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED **02/24/2006**. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

On **6/27/2007** at **10:00 AM**, **FIRST AMERICAN LOANSTAR TRUSTEE SERVICES**, as duly appointed Trustee under and pursuant to Deed of Trust recorded **3/2/2006**, as Instrument No. **2006-0145664**, in book , page , of Official Records in the office of the County Recorder of **SAN DIEGO** County, State of **CALIFORNIA**. Executed by:

CODY NICHOLS, A SINGLE MAN

WILL SELL AT PUBLIC AUCTION TO HIGHEST BIDDER FOR CASH, CASHIER'S CHECK/CASH EQUIVALENT or other form of payment authorized by 2924h(b), (Payable at time of sale in lawful money of the United States) **AT THE ENTRANCE TO THE EAST COUNTY REGIONAL CENTER BY STATUE, 250 E. MAIN STREET, EL CAJON, CA.**

All right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and State described as: AS MORE FULLY DESCRIBED IN THE ABOVE MENTIONED DEED OF TRUST APN# **610-120-50**

The street address and other common designation, if any, of the real property described above is purported to be:

2010 RANCHO MANZANITA, BOULEVARD, CA 91905

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, under the terms of said Deed of Trust, fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust. The total amount of the unpaid balance of the obligation secured by the property to be sold and reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is **$311,548.29**. The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the County where the real property is located.

First American Title Insurance Company
First American LoanStar Trustee Services
3 First American Way
Santa Ana, CA 92707

Date: 6/7/2007

DeeAnn Gregory -- FOR TRUSTEE'S SALE INFORMATION PLEASE CALL 714-573-1965

FIRST AMERICAN LOANSTAR TRUSTEE SERVICES MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.

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EXHIBIT "DLR-A"

LAW OFFICES OF DEBORAH L. RAYMOND
380 Stevens Avenue, Suite 205
Solana Beach, CA 92075
Telephone: (858) 481-9559
Fax: (858) 724-0747

FAX COVER SHEET

DATE: October 16, 2007

To: America's Servicing Company
FACSIMILE# 1-866-453-6315

FROM: Deborah L. Raymond, Esq.

OF PAGES including this page: 6

MESSAGE

Re: **Nichols vs. Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Loan Trust 2006-HE4 et al.**
U.S. District Court Case No. TBA

NOTICE OF RESCISSION

DEMAND FOR IMMEDIATE CANCELLATION OR POSTPONEMENT OF TRUSTEE'S SALE SCHEDULED FOR 11/02/2007.

Please contact me immediately. Thank you.

Deborah L. Raymond, Esq.

CONFIDENTIAL INFORMATION

The pages comprising this facsimile transmission contain confidential information from the law office of Deborah L. Raymond. This information is intended solely for the use of the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copy, distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we may arrange to retrieve it at no cost to you. Thank you.

EXHIBIT "DLR-B"

HP LaserJet 3330

D.L. Raymond
8587240747
Oct-16-2007 12:52PM

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
87	10/16/2007	12:50:54PM	Send	18664536315	1:45	6	OK

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380 Stevens Avenue, Suite 205
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EXHIBIT "DLR-B"

SF Detached Listings

RES														
RES	MLS No.	Pic	Media	Q	Status	Address	Zip	MAPCD	BR	Baths	LTP	ESF	Price	Date
1	072031479	10		Q	Active	37715 Moon Valley	91905	1319G6	2	2	ER	1440	$ 343,900	4/16/2007
2	076011874	7		Q	Active	38747 Alta Vega Rd	91905	1320A6	3	2	EA	1176	$ 345,000 - $ 365,000	2/10/2007
3	072058728	7		Q	Active	964 Tierra De Luna	91905	1300B4	3	2	ER	1496	$ 399,000	7/21/2007

Your initial search criteria were: (ListStatus IN ('act')) AND (Acres>=9 AND Acres<=11) AND (ZipCode IN ('91905'))

Prepared by: Deborah Raymond

Information is believed to be reliable, but not guaranteed.

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Wed, Oct 24, 2007 08:08 PM

EXHIBIT "DLR-C"

SF Detached Listings

RES														
RES	MLS No.	Pic	Media	Q	Status	Address	Zip	MAPCD	BR	Baths	LTP	ESF	Price	Date
1	052070701	0		Q	**Sold**	1189 Tierra Real Lane	91905	1320A6	3	2	ER	1450	$ 275,000 - $ 275,000	1/31/2006
2	062072622	8		Q	**Sold**	38123 Hi Pass Rd	91905	1300A4	3	2	ER	1550	$ 335,000 - $ 335,000	9/22/2006
3	062073266	8		Q	**Sold**	38008 HI PASS RD	91905	1298J4	4	2	ER	2000	$ 370,000	9/18/2006
4	066015538	8		Q	**Sold**	1670 Shasta Trail	91905	1319J2	4	2	ER	2568	$ 435,000	5/5/2006

Your initial search criteria were: ((ListStatus IN ('closd') AND (OffMarketDate>=convert(datetime,'10/27/2005')))) AND (Acres>=9 AND Acres<=11) AND (ZipCode IN ('91905'))

Prepared by: Deborah Raymond

Information is believed to be reliable, but not guaranteed.
Copyright 2001-2007 SANDICOR, Inc.

Wed, Oct 24, 2007 08:10 PM

EXHIBIT "DLR-D"

10/29/2007 14:16 FAX 001/001

First American
LoanStar Trustee Services

Fax Transmittal

DATE: 10/29/07	
TO: DEBORAH RAYMOND	FROM: Bruce Cocklin
COMPANY: LAW OFFICE	FAX: 817-826-1202
FAX: 858-724-0747	PHONE: 817-699-4149
PHONE: 858-481-9559	PAGES (INCLUDING COVER): 1

NOTES/COMMENTS:

Please accept this as written confirmation of our telephone conversation of 10/29/07 wherein you were advised that the foreclosure sale set for 10/30/07 for the property at 2010 Rancho Manzanita, Boulvard CA TS # 20079134002603 has been postponed to 11/26/07 due to the natural disaster in California.

Thank you.

1 First American Way, Mail Stop 5-5-388, Westlake, Texas 76262
TEL 817-699-4149 • FAX 214-424-8136

EXHIBIT "DLR-E"